

FILED

MAY 22 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISIDRO ESPINOZA-NUNEZ,

Defendant - Appellant.

No. 05-50509

D.C. No. CR-04-00945-RMT-01

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Robert M. Takasugi, District Judge, Presiding

Submitted May 15, 2006^{**}

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Isidro Espinoza-Nunez appeals from his guilty-plea conviction and 288-month sentence imposed for conspiracy to possess and possession with intent to distribute methamphetamine and possession of a semi-automatic assault weapon

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

in furtherance of a drug-trafficking crime, all in violation of 21 U.S.C.

§§ 841(a)(1), (b)(1)(A), 846, and 18 U.S.C. § 924(c)(1)(B)(I).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Espinoza-Nunez has filed a brief stating that there are no grounds for relief, and a motion to withdraw as counsel of record. No pro se supplemental brief or answering brief has been filed.

Because our independent review of the record pursuant to *Penon v. Ohio*, 488 U.S. 75, 82-83 (1988), indicates that Espinoza-Nunez knowingly and voluntarily waived his right to appeal and was sentenced within the terms of the plea agreement, we enforce the waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered knowingly and voluntarily).

Counsel's motion to withdraw is **GRANTED**. The appeal is **DISMISSED**.